

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DAVID L. MAYFIELD, :
 :
 Petitioner, :
 :
 v. : Civil Action No. 04-888-JJF
 :
 THOMAS CARROLL, Warden, :
 and M. JANE BRADY, :
 Attorney General for the :
 State of :
 Delaware, :
 :
 Respondents. :

O R D E R

At Wilmington this 7 day of September, 2005;

IT IS ORDERED that:

1. To the extent Petitioner's papers titled "Final Argument" can be construed as a supplemental Reply to the State's Answer, the Court will consider the supplemental explanations in its review of his § 2254 Petition. (D.I. 41.)

2. To the extent Petitioner's request that the "Honorable Court give [him] the opportunity to argue why [he] should be resentenced" and permit him to make an appearance can be construed as a Motion For An Evidentiary Hearing, it is DENIED. (D.I. 41.) The AEDPA limits a district court's discretion to conduct evidentiary hearings on habeas review. See 28 U.S.C. §

2254(e); Campbell v. Vaughn, 209 F.3d 280, 286-87 (3d Cir. 2001). In determining whether to conduct an evidentiary hearing, a federal habeas court should focus "on whether a new evidentiary hearing would be meaningful, in that a new hearing would have the potential to advance the petitioner's claim." Id. at 287. Here, Petitioner fails "to forecast any evidence beyond that already contained in the record that would otherwise help his cause, or otherwise explain how his claim would be advanced by an evidentiary hearing." Id. (internal citations omitted).


UNITED STATES DISTRICT JUDGE